


**III. Remarks**

The proposed amendment relates only to matters of form that do not affect the merits of the case. Applicant respectfully requests that the amendment be entered and the case be permitted to pass to issue following Applicant's payment of the issue fee. If the Examiner has any questions, please do not hesitate to contact Applicant's representative at the number below.

**IV. Conclusion**

No fee is believed to be due for this filing. However, if any fees are deemed necessary, Applicant hereby provides authorization to charge such fees against deposit account 50-0206. If any refunds are due, Applicant hereby provides authorization to credit such refunds against the deposit account.

Respectfully submitted,

  
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Stephen T. Schreiner  
Reg No. 43,097

Date: **December 21, 2004**  
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Washington, D.C. 20006-1109

PATENT  
ATTORNEY DOCKET: 47004.000040

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Number : 09/325,536 Confirmation No.: 2934  
Applicant : Kevin BOYLE, et al.  
Filed : June 4, 1999  
Title : CREDIT INSTRUMENT AND SYSTEM WITH AUTOMATED  
PAYMENT OF CLUB, MERCHANT, AND SERVICE  
PROVIDER FEES  
TC/Art Unit : 3625  
Examiner: : F. THOMPSON  
Docket No. : 47004.000040  
Customer No. : 21967

**SUBSTANCE OF INTERVIEW UNDER 37 C.F.R. §1.133**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 C.F.R. § 1.133(b), Applicant wishes to make of record the substance of the interview between Applicant's undersigned representative and Examiners J. Smith and F. Thompson conducted on May 19, 2004.

At the time of the interview, a Notice of Appeal had been filed in the case. During the interview, Applicant discussed the possibility of filing a Request for Continued Examination (RCE) rather than pursuing the appeal. At the interview, it was agreed that filing an RCE with some amendment to the claims and argument distinguishing the applied references was appropriate.

Attorney Docket: 47004.000040

All claims which were ultimately found allowable were discussed, with a focus on the independent claims. The proposed amendment that was discussed is reflected in the May 24<sup>th</sup> RCE filed after the interview.

That prior art that was discussed includes all of the prior art that was applied in the prior action. During the interview, Applicant discussed this prior art and drew the distinctions over this prior art as set forth in Applicant's May 24<sup>th</sup> RCE.

In general, Applicant explained in the interview that the applied art, alone, and in combination, failed to teach the claimed invention. Applicant also explained that certain rejections were improper because the rejections were based on combinations of disparate systems for which motivation would have been lacking in the first instance.

The outcome of the interview was that all concerned agreed that the applied art did not render the invention unpatentable, and that allowance would be considered.

It is believed that no fees are due in connection with this filing. However, in the event that any fees are necessary, the Commissioner is hereby authorized to charge our Deposit Account No. 50-0206.

Respectfully submitted,

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